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SERIAL NO. 09/491,110PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: FRANK W. LIEBENOW

Examiner: ALPHONSE, FRITZ

Filed: 1/25/2000

Art Unit: 2123

Docket No.: P1138US01

Title: POINTING DEVICE WITH ABSOLUTE AND  
RELATIVE POSITIONING CAPABILITYMail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450TERMINAL DISCLAIMER TO OBTAIN A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT*Statement of Ownership under 37 CFR §3.73(b)(1)(ii):*

The Assignee of record of both the above-identified patent application and U.S. Patent 6,078,312 is Gateway, Inc., located at Gateway Drive, Y04, North Sioux City, South Dakota, 57049-2000. The Assignment is recorded in the U.S. Patent and Trademark Office on Reel 08643 at Frame 0024. As Assignee, Gateway, Inc. is owner of a 100% interest in the above-identified patent application and U.S. Patent 6,078,312.

*Terminal Disclaimer*

Gateway, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified U.S. Patent Application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of prior Patent No. 6,078,312. Gateway, Inc. hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S. C. §154 to §156 and §173 of the prior patent, as

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**TERMINAL DISCLAIMER**

Serial Number: 09/491,110

Filing Date: 1/25/2000

Title: DEVICE RETENTION APPARATUS

Dkt: P1138US01

presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its fully statutory term as presently shorted by any terminal disclaimer.

**Conclusion**

The undersigned is empowered to act on behalf of the organization for submissions on behalf of Gateway, Inc. A Fee Transmittal is being filed in conjunction with this Terminal Disclaimer for payment of the appropriate fee under 37 CFR §1.20(d). If necessary, please charge any additional fees, or credit any overpayment, to Deposit Account No. 50-439.

Respectfully submitted,

WOODS, FULLER, SHULTZ &amp; SMITH P.C.

Date: Nov. 24, 2005

Jeffrey A. Proehl (Reg. No. 35,987)

Customer No. **40,158**

P.O. Box 5027

Sioux Falls, SD 57117-5027

(605)336-3890 FAX (605)339-3357